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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Andrew R. Osborn

SERIAL NO.: 09/982,601

GROUP ART UNIT: 2662

FILED: October 18, 2001

EXAMINER: To Be Assigned

FOR: METHOD OF COMMUNICATING CROSS AND OPERATING SYSTEM

ATTORNEY DOCKET NO: 65,270-005

RECEIVED

MAR 21 2003

Technology Center 2600

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The following is a Request For Reconsideration following a dismissal of a Petition To Make Special Under 37 C.F.R. § 1.102(d), which was filed on November 26, 2002. The Decision on the Petition was mailed on January 14, 2003 and the subject Request For Reconsideration is being timely filed within two months from that date.

The Decision sets forth the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 1.102(d). In particular, the Petitioner must comply with Section (A) through Section (E) of 37 CFR § 1.102(d). The Decision states that the Petition is deficient in that there is no detailed discussion of the references as required by Section (E). Sections (A) through (D) are not mentioned in the Decision. As such, the Petitioner believes that Sections (A) through (D) have been satisfied. The following is a detailed discussion of the defects noted by the Decision, as well as the Petitioner's perfection of these defects.

The Decision noted that independent claim 35 does not recite the limitation "to execute prior to the completion of the execution of the executable code of the initial process". This limitation was noted by the Petitioner as being unique over the known prior art patents. Applicant has filed a Preliminary Amendment on March 14, 2003 in order to incorporate this limitation into claim 35. In other words, both independent claims 1 and 35 incorporate similar limitations regarding the step of extracting a second process address from one of the memory sources to determine a location of a second process to execute prior to the completion of the execution of the executable code of the initial process. This defect is now believed overcome.

The Decision also referred to the PCT discussion in the Petitioner's Declaration and appears to be confused as to what the Petitioner was referring to. The Decision references a PCT search report. However, Petitioner was referring to a *International Preliminary Examination Report (IPER)* of a corresponding PCT patent application, see paragraphs 7 and 17 of the Declaration. A copy of the IPER is included in this Request For Reconsideration for the Commissioner's convenience. As clearly set forth on page 3 of the IPER, the International Preliminary Examining Authority sets forth that claims 1 through 35 meet the criteria set out in PCT Article 33(2)-(4), such that claims 1-35 are novel, include an inventive step, and have industrial applicability. Hence, it should now be clear how the Petitioner arrived at the conclusions set forth in the Declaration.

As an aside, the Decision notes that the Applicant has not claimed priority to the subject PCT application. This observation is correct in that the Applicant is not claiming priority to this PCT application. The subject U.S. application and the referenced PCT application were filed on the exact same day. Both the U.S. and the PCT applications claim priority to a common U.S. provisional application. It should be noted that claims 1 through 35 as filed in the subject U.S. application and claims 1 through 35 as filed in the PCT application are identical.

It should also be noted that the patents referenced in the PCT search report, which are U.S. Patent Nos. 5,386,566; 5,737,605; and 5,991,820, have been reviewed by the Petitioner and are not deemed particularly relevant. The International Preliminary

Examining Authority also obviously concurs in this analysis. As such, it is not believed to be pertinent to set forth a detailed discussion of the PCT cited references.

Turning to the issue of Section (E), the Decision states that the Petition is deficient with regards to this section of 37 C.F.R. § 1.102(d). In response, the Petitioner submits herewith a Substitute Declaration of Samuel J. Haidle. This Substitute Declaration sets forth further discussion of the references deemed most relevant by the Petitioner. It should be noted that although the Petitioner sets forth three (3) references as being the closest prior art to the subject application, it is believed that none of these references are so relevant that they require an exhaustive line-by-line analysis. However, in order to satisfy the noted deficiency, the Petitioner has incorporated additional discussion of these references at paragraphs 10 through 16 of the attached Substitute Declaration. The Commissioner is requested to review these sections and the additional discussion therein.

The Petitioner believes that each of the defects noted in the Decision have been perfected by way of the subject Request For Reconsideration and Substitute Declaration. As such, the Petitioner requests that the Petition to Make Special be granted and the application undergo accelerated examination.

No fees are believed to be due for the submission of this Request For Reconsideration. However, the Commissioner is authorized to charge our deposit account 08-2789 for any fees that are due and credit the deposit account for any overpayment.

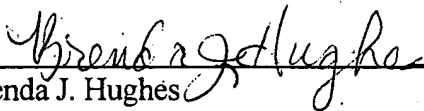
Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that the attached **Request For Reconsideration** is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on **March 14, 2003**.

  
Brenda J. Hughes

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